

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

George S. Cunningham and Jon S.
Stygler,

Petitioners,

v.

Case No. 22-cv-11091

Judith E. Levy

United States District Judge

Michael Burgess and Les Parish,

Mag. Judge Kimberly G. Altman

Respondents.

_____/

**OPINION AND ORDER TRANSFERRING THE PETITION FOR
A WRIT OF HABEAS CORPUS [1] TO THE UNITED STATES
DISTRICT COURT FOR THE WESTERN DISTRICT OF
MICHIGAN**

Petitioners George Stephen Cunningham and Jon Scott Stygler jointly filed a *pro se* application for a writ of habeas corpus in this district pursuant to 28 U.S.C. § 2254.¹ (ECF No. 1.) Mr. Cunningham is presently confined at the Oaks Correctional Facility in Manistee, Michigan, and

¹ The habeas petition is signed by Mr. Cunningham but is not signed by Mr. Stygler. (See ECF No. 1, PageID.7.) Yet Mr. Stygler filed a signed Notice of Change of Address on his own behalf. (See ECF No. 12, PageID.321.)

Mr. Stygler is presently incarcerated at the Thumb Correctional Facility in Lapeer, Michigan.

Petitioners were co-defendants in a state court case and were convicted following a single jury trial in Chippewa County Circuit Court, which is in the Western District of Michigan. According to the petition, Mr. Cunningham was convicted of “kidnapping (my own son), unlawful imprisonment, armed robbery, child abuse (mental), breaking and entering.” (*Id.* at PageID.2.) Mr. Stygler was convicted of “kidnapping, Unlawful Imprisonment, Armed Robbery.” (*Id.*) The petition indicates that Mr. Cunningham was sentenced to “39 years” and that Mr. Stygler was sentenced to “26 years.” (*Id.*) In the petition, Mr. Cunningham and Mr. Stygler challenge their convictions and assert a violation of their “Sixth Amendment right to a speedy trial.” (*Id.* at PageID.4.)

Under 28 U.S.C. § 2241(d), “[a] habeas petition submitted by a person in state custody may be filed in the district where the person is in custody or in the district where the person was convicted and sentenced.” *Simmons v. Straub*, No. 2:00-CV-74198, 2022 WL 4227874, at *2 (E.D. Mich. Sept. 13, 2022) (citing 28 U.S.C. § 2241(d)). “The district in which the petitioner files his habeas petition may, in the exercise of its

discretion and in furtherance of justice, transfer the petition to another district court for hearing and determination.” *Id.* (citing 28 U.S.C. § 2241(d)). Moreover, 28 U.S.C. § 1404(a) provides that “[f]or the convenience of parties and witnesses, in the interest of justice, a district court may transfer any civil action to any other district or division where it might have been brought.” 28 U.S.C. § 1404(a).

As noted, Petitioners were convicted and sentenced in Chippewa County, Michigan, which is in the Western District of Michigan. Although Mr. Stygler is incarcerated at the Thumb Correctional Facility in Lapeer, Michigan, which is in the Eastern District of Michigan, Mr. Cunningham is incarcerated at the Oaks Correctional Facility in Manistee, Michigan, which is in the Western District of Michigan.

Because the Western District of Michigan is where both Petitioners were convicted and sentenced and where Mr. Cunningham is currently incarcerated, and because the entirety of the petition appears to relate to events that allegedly took place within the confines of the Western District of Michigan, in the interests of justice, the Court will exercise its discretion and transfer this matter to the United States District Court for the Western District of Michigan.

Accordingly, the Court ORDERS that the Clerk of the Court transfer this case to the United States District Court for the Western District of Michigan.

IT IS SO ORDERED.

Dated: January 26, 2023
Ann Arbor, Michigan

s/Judith E. Levy
JUDITH E. LEVY
United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or first-class U.S. mail addresses disclosed on the Notice of Electronic Filing on January 26, 2023.

s/William Barkholz
WILLIAM BARKHOLZ
Case Manager